

REMARKS

The Official Action mailed August 31, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 27, 2006, and January 15, 2009.

Claims 1-17 were pending in the present application prior to the above amendment. Claims 1, 2, 4-9, 11 and 13 have been amended to better recite the features of the present invention, and new claims 18 and 19 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-19 are now pending in the present application, of which claims 1, 6, 9, 10 and 13 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action objects to claim 8 under 37 C.F.R. § 1.75(c) "as being in improper form because a multiple dependent claim to any one of Claim 1 and 6" and objects to claim 11 "as being in improper form because a multiple dependent claim to any one of Claim 9 and 10" (Paper No. 20090827, page 2). The Applicant respectfully disagrees and traverses the assertions of the Official Action. It is respectfully submitted that the Office Action fails to suggest any reason why the form of multiple dependent claims 8 and 11 is improper. Moreover, MPEP § 608.01(n) lists, as an example, "Claim 5. A gadget as in any one of claims 1, 2 and 3, in which ---" under the section titled "Acceptable Multiple Dependent Claim Wording." Therefore, it is respectfully submitted that the claim form recited by multiple dependent claims 8 and 11 is expressly permitted by MPEP § 608.01(n). In any event, to clarify the dependency of claims 8 and 11, these claims have been modified by the present amendment to respectively recite a product management system "according to Claim 1 or 6" and "according to Claim 9 or 10." It is respectfully submitted that claims 8 and 11, as amended, are also in proper multiple

dependent form and are also expressly permitted under MPEP § 608.01(n). Accordingly, reconsideration and withdrawal of the objections under 37 C.F.R. § 1.75 are in order and respectfully requested.

Paragraph 5 of the Official Action rejects claims 1-4 and 8 as anticipated by U.S. Publication No. 2002/0021208 to Nicholson. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 1 has been amended to recite a first resonance circuit and a second resonance circuit. More specifically, claim 1, as amended, recites a first resonance circuit; a second resonance circuit; and a reader/writer for at least one of reading information stored in a semiconductor device and writing information in the semiconductor device, wherein the first resonance circuit comprises a first antenna coil and a first capacitor, wherein the second resonance circuit comprises a second antenna coil and a second capacitor, wherein a first packing material for packing a product is provided with the first resonance circuit, wherein a second packing material for packing the first packing material is provided with the second resonance circuit, wherein the product is provided with the semiconductor device, wherein the second resonance circuit can communicate with the reader/writer and the first resonance circuit, and wherein the first resonance circuit can communicate with the second resonance circuit and the semiconductor device. The Applicant respectfully submits that Nicholson does not teach the above-referenced features of the present invention, either explicitly or inherently.

Since Nicholson does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Paragraph 7 of the Official Action rejects claims 5 and 7 as obvious based on the combination of Nicholson and U.S. Publication No. 2004/0217867 to Bridgelall. Paragraph 8 of the Official Action rejects claim 6 as obvious based on Nicholson. Paragraphs 9 and 11 of the Official Action reject claims 9-12 and 17 as obvious based on the combination of Nicholson, Bridgelall and U.S. Publication No. 2004/0245519 to Van De Walle. Paragraph 10 of the Official Action rejects claims 13-16 as obvious based on the combination of Nicholson and Van De Walle. The Applicant respectfully traverses the rejections because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. As noted above, independent claim 1

has been amended to recite a first resonance circuit and a second resonance circuit. Independent claim 6 has similarly been amended to recite a first and second resonance circuit and a reader/writer, wherein the first resonance circuit comprises a first antenna coil and a first capacitor, wherein the second resonance circuit comprises a second antenna coil and a second capacitor, wherein a first packing material for packing a product is provided with the first resonance circuit, wherein a second packing material for packing the first packing material is provided with the second resonance circuit, wherein the product is provided with the semiconductor device, wherein the second resonance circuit can communicate with the reader/writer and the first resonance circuit and wherein the first resonance circuit can communicate with the second resonance circuit and the semiconductor device. As noted above, Nicholson fails to teach or suggest these features of the present invention. It is further submitted that Bridgelall and Van de Walle, either alone or in combination with Nicholson, fail to teach or suggest first and second resonance circuits and therefore do not cure the deficiencies in Nicholson.

Additionally, claims 9 and 13 have been amended to recite that the resonance circuit comprises thin film integrated circuit portions comprising an antenna coil and a capacitor. It is respectfully submitted that Nicholson, Bridgelall and Van de Walle, either alone or in combination, do not teach or suggest this feature of the present invention.

Furthermore, with respect to independent claim 10, the Official Action asserts that Bridgelall teaches "sending at least one of a first signal (38, Fig. 4) comprising first information and a first electric power from a reader/writer (interrogator) to a resonance circuit (relay device) (35, Fig. 4), sending at least one of a second signal (36, Fig. 4) comprising a first information and a second electric power from the resonance circuit (relay device) (23, Fig. 4)" (Paper No. 20090827, page 8). The Official Action also asserts that "Applicant has not disclosed that the second packaging material and second resonance circuit provides an advantage, is used for a particular purpose or solves a stated problem" and that "it would have been obvious to one of ordinary skill in

this art to add additional redundant layers to obtain the invention as specified in claim 10" (Id., page 9). The Applicant respectfully disagrees and traverses these assertions of the Office Action.

It is respectfully submitted that relay device 35 and relay device 23 each include an RFID tag 32 storing respective information of bottles 42, and are not first and second resonance circuits as recited in the present claims. Moreover, the Applicant has disclosed that the claimed configuration provides a specific advantage. For example, the specification discloses, at page 15, line 28, through page 16, line 2, and in Figure 4, that "by providing a second resonant circuit portion, communication disabled or communication instability due to directivity (a property of going in only a certain direction or a property of receiving from only a certain direction) between the R/W 5 and the ID tag 2 attached to the product 1 can be solved, and thus the communication between them can be conducted surely." It is respectfully submitted that Nicholson, Bridgelall and Van de Walle fail to disclose such an advantage of the present invention and that it would not have been obvious to one of ordinary skill in the art to add additional redundant layers to obtain the present invention.

Since Nicholson, Bridgelall and Van de Walle do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 18 and 19 have been added to recite additional protection to which the Applicant is entitled. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 18 and 19 are in condition for allowance.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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